

**UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT**

**SUMMARY ORDER**

RULINGS BY SUMMARY ORDER DO NOT HAVE PRECEDENTIAL EFFECT. CITATION TO SUMMARY ORDERS FILED AFTER JANUARY 1, 2007 IS PERMITTED AND IS GOVERNED BY THIS COURT'S LOCAL RULE 32.1 AND FEDERAL RULE OF APPELLATE PROCEDURE 32.1. IN A BRIEF OR OTHER PAPER IN WHICH A LITIGANT CITES A SUMMARY ORDER, IN EACH PARAGRAPH IN WHICH A CITATION APPEARS, AT LEAST ONE CITATION MUST EITHER BE TO THE FEDERAL APPENDIX OR BE ACCOMPANIED BY THE NOTATION: "(SUMMARY ORDER)." A PARTY CITING A SUMMARY ORDER MUST SERVE A COPY OF THAT SUMMARY ORDER TOGETHER WITH THE PAPER IN WHICH THE SUMMARY ORDER IS CITED ON ANY PARTY NOT REPRESENTED BY COUNSEL UNLESS THE SUMMARY ORDER IS AVAILABLE IN AN ELECTRONIC DATABASE WHICH IS PUBLICLY ACCESSIBLE WITHOUT PAYMENT OF FEE (SUCH AS THE DATABASE AVAILABLE AT [HTTP://WWW.CA2.USCOURTS.GOV/](http://www.ca2.uscourts.gov/)). IF NO COPY IS SERVED BY REASON OF THE AVAILABILITY OF THE ORDER ON SUCH A DATABASE, THE CITATION MUST INCLUDE REFERENCE TO THAT DATABASE AND THE DOCKET NUMBER OF THE CASE IN WHICH THE ORDER WAS ENTERED.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 7<sup>th</sup> day of March, two thousand eight.

**PRESENT:**

HON. WILFRED FEINBERG,  
HON. JOSÉ A. CABRANES,  
HON. SONIA SOTOMAYOR,

*Circuit Judges.*

HAI QIU NAN,  
*Petitioner,*

**v.**

MICHAEL B. MUKASEY, ATTORNEY GENERAL,<sup>1</sup>  
*Respondent.*

07-1977-ag  
NAC

<sup>1</sup>Pursuant to Federal Rule of Appellate Procedure 43(c)(2), Attorney General Michael B. Mukasey is automatically substituted for former Attorney General Alberto R. Gonzales as the respondent in this case.

1     **FOR PETITIONER:**             **Thomas V. Massucci, New York, New**  
2                                     **York.**

3  
4     **FOR RESPONDENT:**           **Jeffrey S. Bucholtz, Acting**  
5                                     **Assistant Attorney General, Linda S.**  
6                                     **Wendtland, Assistant Director,**  
7                                     **Ashley B. Han, Attorney, United**  
8                                     **States Department of Justice, Civil**  
9                                     **Division, Office of Immigration**  
10                                    **Litigation, Washington, D.C.**  
11

12             UPON DUE CONSIDERATION of this petition for review of a  
13     decision of the Board of Immigration Appeals ("BIA"), it is  
14     hereby ORDERED, ADJUDGED, AND DECREED, that the petition for  
15     review is DENIED.

16             Petitioner Hai Qiu Nan, a native and citizen of the  
17     People's Republic of China, seeks review of the April 9,  
18     2007 order of the BIA affirming the August 27, 2003 decision  
19     of Immigration Judge ("IJ") Paul A. DeFonzo, denying her  
20     application for asylum and withholding of removal. *In re*  
21     *Hai Qiu Nan*, No. A95 474 248 (B.I.A. Apr. 9, 2007), *aff'g*  
22     No. A95 474 248 (Immig. Ct. N.Y. City Aug. 27, 2003). We  
23     assume the parties' familiarity with the underlying facts  
24     and procedural history of the case.

25             When the BIA agrees with the IJ's conclusion that a  
26     petitioner is not credible and, without rejecting any of the  
27     IJ's grounds for decision, emphasizes particular aspects of  
28     that decision, we review both the BIA's and IJ's opinions -

1 or more precisely, we review the IJ's decision including the  
2 portions not explicitly discussed by the BIA. See *Yun-Zui*  
3 *Guan v. Gonzales*, 432 F.3d 391, 394 (2d Cir. 2005). We  
4 review the agency's factual findings, including adverse  
5 credibility determinations, under the substantial evidence  
6 standard. 8 U.S.C. § 1252(b)(4)(B); see, e.g., *Dong Gao v.*  
7 *BIA*, 482 F.3d 122, 126 (2d Cir. 2007).

8 We find that substantial evidence supports the agency's  
9 adverse credibility determination. The multiple specific  
10 examples of discrepancies between Nan's testimony, her  
11 aunt's testimony, and the evidence of record - e.g., whether  
12 she was summoned by authorities for questioning in April or  
13 November 2000, and whether she began holding Christian  
14 gatherings in her home (if indeed she ever did so) before or  
15 after Easter of that year - provided sufficient bases on  
16 which the agency could conclude that she was not credible.  
17 See *Zhou Yun Zhang v. INS*, 386 F.3d 66, 74 (2d Cir. 2004),  
18 *overruled in part on other grounds by Shi Liang Lin v. U.S.*  
19 *Dep't of Justice*, 494 F.3d 296, 305 (2d Cir. 2007) (en  
20 banc); see also *Liang Chen v. U.S. Att'y Gen.*, 454 F.3d 103,  
21 106-07 (2d Cir. 2006) (per curiam) ("[A]n IJ need not  
22 consider the centrality *vel non* of each individual

1     discrepancy or omission [but rather] may rely upon the  
2     cumulative impact of such inconsistencies, and may conduct  
3     an overall evaluation of testimony in light of its  
4     rationality or internal consistency and the manner in which  
5     it hangs together with other evidence.” (internal citation  
6     and quotation marks omitted)). Although Nan (and her aunt)  
7     offered explanations for most of the discrepancies found by  
8     the agency, no reasonable fact-finder would have been  
9     compelled to accept them. See *Majidi v. Gonzales*, 430 F.3d  
10    77, 81 (2d Cir. 2005).

11       Nan argues that it was error for the agency to fail to  
12    evaluate her fear of persecution based on her practice of  
13    Christianity in the United States. However, because the  
14    basis for her alleged fear of future persecution was not  
15    independent of those allegations that the IJ found not  
16    credible, *cf. Paul v. Gonzales*, 444 F.3d 148, 156-57 (2d  
17    Cir. 2006), the agency properly concluded that the adverse  
18    credibility determination prevented Nan “from establishing  
19    the subjective prong of the well-founded fear standard,”  
20    *Ramsameachire v. Ashcroft*, 357 F.3d 169, 183 (2d Cir. 2004);  
21    see also *Wu Biao Chen v. INS*, 344 F.3d 272 (2d Cir. 2003)  
22    (per curiam). Accordingly, the agency’s denial of Nan’s

1     asylum application was not improper.

2             Similarly, because the only evidence of a threat to  
3     Nan's life or freedom depended upon her credibility, the  
4     adverse credibility determination necessarily precluded  
5     success on her claim for withholding of removal.   *See Paul,*  
6     444 F.3d at 156-57.

7             For the foregoing reasons, the petition for review is  
8     DENIED.   As we have completed our review, any stay of  
9     removal that the Court previously granted in this petition  
10    is VACATED, and any pending motion for a stay of removal in  
11    this petition is DISMISSED as moot.

12                             FOR THE COURT:  
13                             Catherine O'Hagan Wolfe, Clerk  
14

15                             By: \_\_\_\_\_